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COLAN, GIOVANNA B				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/673,162

Applicant(s)

OGASAWARA ET AL.

Examiner

GIOVANNA COLAN

Art Unit

2162

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is issued in response to the Amendment filed on 06/05/2008.
2. Claims 1 – 19 were amended. No claims were canceled. No claims were added.
3. This action is made Final.
4. Claims 1 –19 are pending in this application.

Response to Arguments

5. Applicant's arguments with respect to claims 1 – 19 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claims 1 – 19 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The limitation “wherein the management terminal acquired the MAC addresses assigned to the first processor from the second processor at regular intervals, until the power supply of the management terminal is turned on again” recited in claims 1, and 15 was not described in the specification in

such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 1 – 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The limitation “allows” recited in claim 1 and “allowing” recited in claim 15 are indirect, passive, suggest optionally, which renders any recitation claimed after not be given patentable weight. Therefore, it is unclear what Applicant intended metes and bounds of the claims are, since the claims appear to cover anything and everything that does not prohibit actions from occurring.

The Examiner points to MPEP 2106 [III-C] wherein the claim's recitation of “adapted to” raises the question to Language that suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation.

Office personnel must rely on the applicant's disclosure to properly determine the meaning of “allows” in the claims. Limitations appearing in the specification but not recited in the claim are not read into the claim; therefore, in this case, the recitation of “allows” as interpreted in light of the specification provide the “functionality” or “the

capability" of the system to perform the steps without definite disclosure limiting or excluding any alternative, negative, or even all together suggest actually performing or implementing the functionality that its database management system is capable of.

Therefore, any cited art that teaches the steps otherwise in the alternative can be used to reject the instant application. The computer being enabled to perform a function does not mean that it will ever actually perform that functionality (i.e. "allows" should be clarified and changed to a more definite term).

Appropriate correction is required.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

12. Claim 1 – 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bret S. Weber (Weber hereinafter) (US 2003/0225735 A1) in view of Masahiro Fukui (Fukui hereinafter) (US 2001/0005894 A1).

Regarding Claim 1, Weber discloses a storage device system comprising:

a plurality of storage devices in which information is stored (Fig. 1, items 122-124, and 130, Page 3, [0029], lines 2 – 7, Weber);

a storage device control section for controlling storage of information in said plurality of storage devices (Page 3, [0029], lines 2 – 7, Weber);

a connection unit connected to said storage device control section (Page 3, [0029], and [0031], lines 7 – 12, and 1 – 4; respectively, Weber); and

a first processor that is connected to an external local area network (LAN), which is external to said storage device system (Page 2, [0017], and [0019], lines 5 – 10, and 1 – 4; respectively, Weber), and that converts data of a file access from received over said external LAN into data of block access form (Page 3, [0027], and [0029], lines 1 – 6, and 12 – 15; respectively, Weber); and

a second processor that is connected to said storage device control section via said connection unit (Fig. 1, items 120, 124, and 128, Page 2, [0025], lines 10 – 16, Weber), that accesses said plurality of storage devices via said connection unit and said storage device control section in response to data of the block access form issued from

said first processor (Page 3, [0029], and [0033], lines 12 – 15, and 1 – 9; respectively, Weber).

Weber also discloses a system and method for controlling (Page 3, [0032] and [0034], Weber). However, Weber does not explicitly disclose: that the second processor controls activation of said first processor. Fukui discloses a system and method for remote power management system including: a second processor that controls activation of a first processor including resetting said first processor by said second processor; and wherein said resetting said first processor by said second processor by said second processor includes stopping supplying power to said first processor, re-supplying power to said first processor and activating a Basic Input/Output System (BIOS) of said first processor (Page 1, [0008], Fukui). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the Fukui's teachings to the system Weber. Skilled artisan would have been motivated to do so, as suggested by Fukui ((57), Abstract, Fukui), to solve problems as to occurrence of uncontrollability of power supply due to malfunction of an uninterruptible power supply device that is incapable of trying restart and recovery of information processing apparatus of the certain type merely through start or termination of power supply or alternatively as to unwanted interruption of power supply to information processing apparatus constituting a network.

The combination of Weber in view of Fukui (Weber/Fukui hereinafter) also discloses:

a management terminal that is connected to the first processor and the second processor via an internal LAN ([0028], Weber; and [0015], Fukui).

However, Weber/Fukui does not expressly disclose MAC addresses. On the other hand, Cromer discloses a system similar to Weber/Fukui for remotely resetting processors including: wherein the first processor stores respective media access control (MAC) addresses, which are assigned to ports of the internal LAN, in respective communication memories (Fig. 5, Cromer). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Weber/Fukui by incorporating MAC addresses, in the same conventional manner as disclosed by Cromer's. Skilled artisan would have found it motivated to use such a modification in order to provide a computer system coupled to a network that allows a network administrator to set the system's boot sequence over the network prior to turning the system on over the network and performing a remote program load (see; Col. 2, lines 63 – 67, Cromer).

Furthermore, the combination of Weber in view of Fukui and further in view of Cromer (Weber/Fukui/Cromer hereinafter) discloses:

wherein the management terminal acquires the MAC addresses assigned to the first processor from the second processor at regular intervals, until the power supply of the management terminal is turned on again (Col. 3, lines 1 – 22, and Col. 7, lines 5 – 22; Cromer),

wherein the second processor verifies whether disk drives have spun disks so as to determine whether the storage devices are usable, and detects whether the disk drives have completed spinning the disks (Col. 4, lines 12 – 20, Cromer),

wherein the first processor issues a network boot request to a network boot server implemented in the management terminal ([0028], Weber; [0015], Fukui; and Col. 5, lines 40 – 52; Cromer),

wherein the management terminal receives the network boot request over the internal LAN (Page 1, [0008], Fukui; and Col. 3, lines 1 – 22, and Col. 7, lines 5 – 22; Cromer), and

wherein the first processor allows the second processor to start disk booting (Page 1, [0008], Fukui; and Col. 3, lines 1 – 22, and Col. 7, lines 5 – 22; Cromer).

Regarding Claim 2, Weber/Fukui/Cromer discloses a storage device system, further comprising:

a second communication control section connected on a second network external to said storage device system (Fig. 1, items 126, and 128, Page 3, [0029], lines 2 – 7, Weber),

wherein said first communication control section is formed with the same circuit board as said second communication control section is (Page 3, [0029], and [0031], lines 7 – 12, and 1 – 4; respectively, Weber).

Regarding Claim 3, Weber/Fukui/Cromer discloses a storage device system, wherein:

said first processor diagnoses the hardware thereof (Page 2, [0017], Fukui); wherein said second processor issues a request for start of hardware diagnosis of said first processor to said first processor (Page 2, [0017], Fukui).

Regarding Claim 4, Weber/Fukui/Cromer discloses a storage device system wherein said second processor issues a request for start of first processing to said first processor (Page 2, [0017], Fukui); and

wherein said first processor acquires first software from said management terminal in response to the first processing start request issued from said second processor (Page 3, [0029], and [0033], lines 12 – 15, and 1 – 9; respectively, Weber; and Page 2, [0017], Fukui).

Regarding Claim 5, Weber/Fukui/Cromer discloses a storage device system, wherein said first processor acquires second software from said management terminal under the control of the first software acquired from said management terminal (Fig. 1, items 126, and 128, Page 3, [0029], lines 2 – 7, Weber), and writes the second software in said plurality of storage devices via said connection unit and said storage device control section (Page 3, [0029], and [0033], lines 12 – 15, and 1 – 9; respectively, Weber).

Regarding Claim 6, Weber/Fukui/Cromer discloses a storage device system, wherein:

wherein said second processor issues a request for start of second processing to said first processor (Page 2, [0017], Fukui);

said first processor acquires the second software written in said plurality of storage devices via said connection unit and said storage device control section in response to the second processing start request issued from said second processor (Page 3, [0029], and [0033], lines 12 – 15, and 1 – 9; respectively, Weber).

Regarding Claim 7, Weber/Fukui/Cromer discloses a storage device system, wherein both the first processing start request and second processing start request contain time instant information (Page 2, [0015], lines 3 – 14, Fukui).

Regarding Claim 8, Weber/Fukui/Cromer discloses a storage device system, wherein said first communication control section includes a storage device in which third software is stored (Page 3, [0029], lines 2 – 7, Weber),

wherein said first processor activates the third software so as to activate said first communication control section, and waits for a request issued from said second processor (Page 2, [0017], and [0019], lines 5 – 10, and 1 – 4; respectively, Weber).

Regarding Claim 9, Weber/Fukui/Cromer discloses a storage device system, further comprising:

a second communication control section that is connected on a second network external to said storage device system (Fig. 1, items 126, and 128, Page 3, [0029], lines 2 – 7, Weber),

wherein said first communication control section is formed with the same circuit board as said second communication control section (Page 3, [0029], and [0031], lines 7 – 12, and 1 – 4; respectively, Weber).

Regarding Claim 10, Weber/Fukui/Cromer discloses a storage device system, wherein said first processor diagnoses the hardware thereof and

wherein said second processor issues a request for start of hardware diagnosis of said first processor to said first processor (Page 2, [0017], Fukui).

Regarding Claim 11, Weber/Fukui/Cromer discloses a storage device system, further comprising:

a management terminal connected to each of said first communication control section and said second communication control section (Page 3, [0028], Weber),

wherein said second processor issues a request for start of first processing to said first processor (Page 2, [0017], Fukui), and

wherein said first processor acquires first software from said management terminal in response to the first processing start request issued from said second processor (Page 3, [0029], and [0033], lines 12 – 15, and 1 – 9; respectively, Weber; and Page 2, [0017], Fukui).

Regarding Claim 12, Weber/Fukui/Cromer discloses a storage device system, wherein said first processor acquires second software from said management terminal under the control of the first software acquired from said management terminal (Fig. 1, items 126, and 128, Page 3, [0029], lines 2 – 7, Weber), and writes the second software in said plurality of storage devices via said connection unit and said storage device control section (Page 3, [0029], and [0033], lines 12 – 15, and 1 – 9; respectively, Weber).

Regarding Claim 13, Weber/Fukui/Cromer discloses a storage device system, wherein said second processor issues a request for start of second processing to said first processor (Page 2, [0017], Fukui), and

wherein said first processor acquires the second software written in said plurality of storage devices via said connection unit and said storage device control section in response to the second processing start request issued from said second processor (Page 3, [0029], and [0033], lines 12 – 15, and 1 – 9; respectively, Weber; and Page 2, [0017], Fukui).

Regarding Claim 14, Weber/Fukui/Cromer discloses a storage device system, wherein both said first processing start request and said second processing start request contain time instant information (Page 2, [0015], lines 3 – 14, Fukui).

Regarding Claim 15, Weber/Fukui/Cromer discloses a method of activating a storage device system, wherein the storage device system comprises a plurality of storage devices in which information is stored, a storage device control section which controls storage of information in said plurality of storage devices, a connection unit connected to said storage device control section,

a first processor that is connected to an external local area network (LAN), is external to said storage device system (Page 2, [0017], and [0019], lines 5 – 10, and 1 – 4; respectively, Weber) and that converts data of a file access form received over said LAN into data of a block access form (Page 3, [0027], and [0029], lines 1 – 6, and 12 – 15; respectively, Weber), second processor that is connected to said storage device control section via said connection unit (Fig. 1, items 120, 124, and 128, Page 2, [0025], lines 10 – 16, Weber), and that accesses said plurality of storage devices via said connection unit and said storage device control section in response to the data of the block access form issued from said first processor (Page 3, [0029], and [0033], lines 12 – 15, and 1 – 9; respectively, Weber), and a management terminal that is connected to the first processor and the second processor via an internal LAN ([0028], Weber; and [0015], Fukui), said method comprising the steps of:

controlling, by said second processor, activation of said first processor including resetting said first processor by said second processor (Page 3, [0032] and [0034], Weber; and Page 1, [0008], Fukui),

wherein the resetting said first processor by said second processor includes stopping supplying power to said first processor, re-supplying power to said first

processor and activating a Basic Input/Output System (BIOS) of said first processor (Page 1, [0008], Fukui);

issuing, by said second processor, a request for start of hardware diagnosis of said first processor to said first processor (Page 1, [0008], Fukui);

performing, by said first processor, hardware diagnosis in response to the hardware diagnosis start request issued from said second processor (Page 1, [0008], Fukui);

storing, by the first processor, respective media access control (MAC) addresses, which are assigned to ports of the internal LAN, in respective communication memories (Fig. 5, Cromer);

acquiring, by the management terminal, the MAC addresses assigned to the first processor from the second processor at regular intervals, until the power supply of the management terminal is turned on again (Col. 3, lines 1 – 22, and Col. 7, lines 5 – 22; Cromer);

verifying, by the second processor, whether disk drives have spun disks so as to determine whether the storage devices are usable, and detecting, by the second processor, whether the disk drives have completed spinning the disks (Col. 4, lines 12 – 20, Cromer);

issuing, by the first processor, a network boot request to a network boot server implemented in the management terminal ([0028], Weber; [0015], Fukui; and Col. 5, lines 40 – 52; Cromer);

receiving, by the management terminal, the network book request over the internal LAN (Page 1, [0008], Fukui; and Col. 3, lines 1 – 22, and Col. 7, lines 5 – 22; Cromer); and

allowing, by the first processor, the second processor to start disk booting (Page 1, [0008], Fukui; and Col. 3, lines 1 – 22, and Col. 7, lines 5 – 22; Cromer).

Regarding Claim 16, Weber/Fukui/Cromer discloses a method, said method further comprising the steps of:

issuing, by said second processor, a request for start of first processing to said first processor (Page 2, [0017], Fukui); and

acquiring, by said first processor, first software from said management terminal in response to the first processing start request issued from said second processor (Page 3, [0029], and [0033], lines 12 – 15, and 1 – 9; respectively, Weber; and Page 2, [0017], Fukui).

Regarding Claim 17, Weber/Fukui/Cromer discloses a method, further comprising the steps of:

acquiring, by said first processor, second software from said management terminal under control of the first software acquired from said management terminal (Fig. 1, items 126, and 128, Page 3, [0029], lines 2 – 7, Weber), and writing the second software in said plurality of storage devices via said connection unit and said storage

device control section (Page 3, [0029], and [0033], lines 12 – 15, and 1 – 9; respectively, Weber).

Regarding Claim 18, Weber/Fukui/Cromer discloses a method, further comprising the steps of:

issuing, by said second processor, a request for start of second processing to said first processor (Page 2, [0017], Fukui); and

acquiring, by said first processor, the second software written in said plurality of storage devices via said connection unit and said storage device control section in response to the second processing start request issued from said second processor (Page 3, [0029], and [0033], lines 12 – 15, and 1 – 9; respectively, Weber; and Page 2, [0017], Fukui).

Regarding Claim 19, Weber/Fukui/Cromer discloses a storage device, wherein said first and said second processors form part of a first communication control section (Page 3, [0029], lines 2 – 7, Weber).

Response to Amendment

13. Applicant argues that the applied art fails to disclose; "a first processor that is connected to an external local area network (LAN), which is external to the storage device system, and that converts data of a file access form received over the external LAN into data of a block access form".

Examiner respectfully disagrees. Weber/Fukui/Cromer does disclose: a first processor that is connected to an external local area network (LAN), which is external to the storage device system, and that converts data of a file access form received over the external LAN into data of a block access form (See rejection of claims 1, and 15 discussed in this Office Action above).

14. Applicant argues that the applied art fails to disclose; "a second processor that is connected to the storage device control section via the connection unit, that accesses the plurality of storage devices via the connection unit and the storage device control section in response to data of the block access form issued from the first processor, and that controls activation of the first processor including resetting the first processor by the second processor".

Examiner respectfully disagrees. Weber/Fukui/Cromer does disclose: a second processor that is connected to the storage device control section via the connection unit, that accesses the plurality of storage devices via the connection unit and the storage device control section in response to data of the block access form issued from the first processor, and that controls activation of the first processor including resetting

the first processor by the second processor (See rejection of claims 1, and 15 discussed in this Office Action above).

Conclusion

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Points Of Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GIOVANNA COLAN whose telephone number is (571)272-2752. The examiner can normally be reached on 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Giovanna Colan
Examiner
Art Unit 2162
September 26, 2008

/Jean M Corrielus/
Primary Examiner, Art Unit 2162